

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: COX RHODE ISLAND TELCOM, LLC :
WAIVER REQUEST FOR NUMBER BLOCK : DOCKET NO. 3567
RELEASE - TORAY PLASTICS OF AMERICA :

REPORT AND ORDER

On November 3, 2003, Cox Rhode Island Telcom, L.L.C. ("Cox"), filed a request with the Public Utilities Commission ("Commission") for a waiver from the denial by the North American Number Pooling Administrator ("NANPA") of Cox's request to release certain blocks of numbers for Cox's customer, Toray Plastics of America ("Toray"). Specifically, Cox had requested 1,800 numbers in specific thousands blocks beginning with NPA NXX 2000, 3000, and 4000.¹

Because Cox's utilization rate (the percentage of numbers within the blocks currently assigned to Cox that are in service) is at fifty-one percent (51%), which is 19% below Rhode Island's required 70% utilization rate, Cox's request for the specific blocks was denied. In other words, Cox is not allowed, unless granted a waiver by the Commission, to obtain new blocks of numbers unless at least 70% of the numbers assigned to it are in use. The purpose of this rule is to preserve Rhode Island's available telephone numbers, thus preserving the 401 area code (or "NPA").

According to an attachment to Cox's filing, Toray is ready, willing and able to utilize 60% of the numbers as soon as they are made available to Cox. Toray currently has a PBX system whereby a person calls a main number and is connected to a Toray representative via a four digit extension. Toray desires to allow for direct dialing to its representatives using the four digit extensions. In other words, if a Toray representative

¹ Within the NPA NXX, Cox only has the thousands blocks beginning with 0000 and 7000 assigned to it.

is currently assigned the extension 2345, that representative's direct number will end in 2345. In response to Commission data requests, Cox indicated that the numbers it is seeking are not currently assigned to someone else. Furthermore, Cox will put 1,800 of the 3,000 requested numbers into service immediately.

This is an issue of first impression for the Commission. As noted above, the purpose of the utilization rate is to conserve unused numbers in order to extend the life of the NPA. In light of the importance of conserving numbers and preserving the NPA, the Commission must set initial minimum standards that must be met by a carrier in order for the Commission to even consider a request for a waiver. In this case, Cox has a utilization of over 50% and it has a customer who is ready, willing and able to utilize at least 60% of the requested numbers as soon as they are available to Cox. The other 40% will be available for Cox to assign to either Toray, if it needs additional lines, or to other customers.

The Commission adopts these standards as the minimum that must be met in order for the Commission to consider a request for a waiver. A carrier must have a utilization rate over 50% and must have a customer ready, willing and able to utilize at least 60% of the numbers within the requested blocks either immediately, or in the very near future. This in no way is meant to suggest that the Commission will automatically approve every request that meets these minimum standards. The Commission must review each request on a case by case basis for reasonableness and to keep some control on the release of blocks. For example, if a carrier files a petition seeking 10 thousands blocks and will only put 6,000 numbers in place, leaving 4,000 numbers not in use, the Commission may very well find that it is unreasonable to have the equivalent of four

blocks not in use when a carrier's utilization rate is below 70%. Furthermore, if the Commission finds that this ruling results in an influx of waiver requests, the Commission reserves its right to tighten the minimum standards in order to protect the NPA.

Because Cox's application has satisfied the minimum standards adopted today, the Commission approves Cox's request for a waiver from the denial of the release of the requested thousands blocks in question.

Accordingly, it is

(17622) ORDERED:

1. That Cox's request for a waiver from the denial of the release of the three requested thousands blocks in question is granted.

EFFECTIVE AT WARWICK, RHODE ISLAND ON NOVEMBER 21, 2003
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
DECEMBER 1, 2003.

PUBLIC UTILITIES COMMISSION

Elia Germani, Chairman

Kate F. Racine, Commissioner

Robert B. Holbrook, Commissioner